

### **Remarks**

Claims 46-75 and 77-96 are pending herein. By this Amendment, claim 76 is cancelled and claims 95 and 96 have been added. Claims 77-79 are amended to correct their dependency, due to the cancellation of claim 76.

New claim 95 is identical to claim 46 except that the transitional phrase in claim 95 is “consisting of” rather than “comprising”.

New claim 96 is directed to a process for polymerizing at least one olefin in a dilution medium in the presence of a nickel complex formed in situ from a catalytic system consisting of components (A) and (B) recited in claim 46.

In the Office Action, claims 46-94 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,716,205 to Klabunde (“Klabunde”) or Kurtev et al., *Binuclear nickel-ylide complexes as effective ethylene oligomerization/polymerization catalysts*, Journal of Molecular Catalysis A: Chemical 103 (1995) pages 95-103 (“Kurtev”).

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the rejection set forth in the Office Action.

### **I. The Rejection**

Claims 46-94 are rejected under 35 U.S.C. §102(b) as being anticipated by Klabunde or by Kurtev. Applicants respectfully submit that claims 46-75 and 77-94 and new claims 95 and 96 are not anticipated by either of these reference.

#### **A. Klabunde**

In the rejection of the claims based on Klabunde, the Office Action refers to column 1, line 55 through column 3, line 57 of the reference. However, neither in this cited section nor any other sections does the reference teach or suggest the particular ligand set forth in instant claim 46. Thus, Klabunde does not teach or suggest Applicants’ claimed catalyst or its used. Therefore, for at least this reason, Applicants submit that Klabunde does not anticipate instant claims 46-75 and 77-94.

Applicants further submit that Klabunde does not anticipate new claims 95 and 96. In these claims, the catalytic system consists of ligand (A) and nickel compound (B). On the other hand, the Klabunde catalysts which contain a ligand and a nickel compound requires the presence of an alkylating or arylating compound.

Thus, for at least the foregoing reasons, Applicants submit that claims 46-96 are not anticipated by Klabunde.

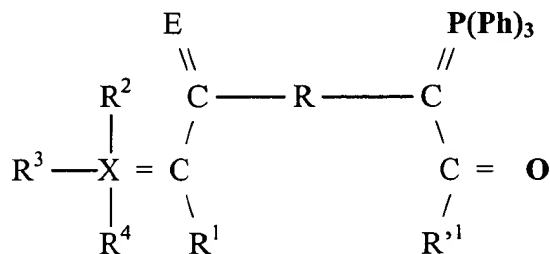
### **B. Kurtev**

In the rejection based on Kurtev, the Office Action cites pages 96-97 and 99-103 of the reference.

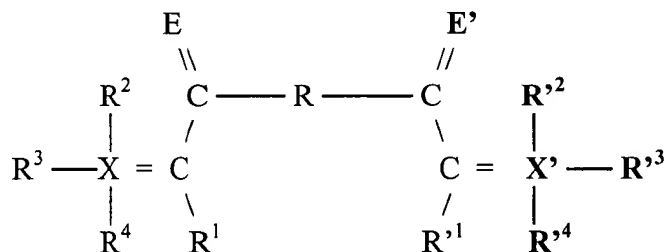
Applicants respectfully submit that Kurtev does not teach or suggest Applicants' claimed catalytic system or its use. Specifically, Kurtev does not teach or suggest the ligand set forth in instant claim 46.

At the top of page 97 of Kurtev, the reference discloses a ligand used therein. Set forth below are the Kurtev ligand and the ligand set forth in instant claim 46, wherein the portions which differ are in bold print:

#### Kurtev Ligand



#### Ligand of Instant Claim 46



Wherein:

E' represents independently an oxygen or a sulfur atom;

X' represents a phosphorus, arsenic or antimony atom;

R'<sup>2</sup>, R'<sup>3</sup> and R'<sup>4</sup>, which are identical or different, are chosen from linear, branched or cyclic alkyl radicals, and arylalkyl radicals.

Thus, Kurtev does not teach a ligand containing the E', X', R'<sup>2</sup>, R'<sup>3</sup> and R'<sup>4</sup> groups present in the ligand in Applicants' claimed catalytic system.

Therefore, for at least this reason, Applicants submit that Kurtev does not anticipate instant claims 46-75 and 77-94.

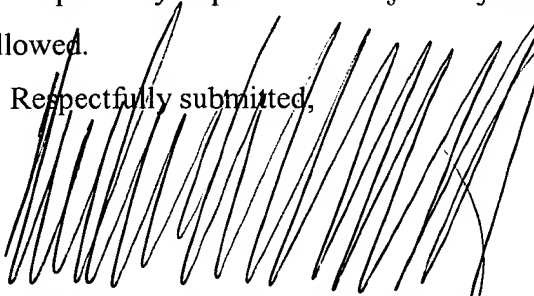
Applicants submit that Kurtev does not anticipate new claims 95 and 96 for the additional reason that Kurtev requires the presence of P(Ph)<sub>3</sub>, whereas such compound is excluded from the catalytic system recited in the new claims.

Thus, for at least the foregoing reasons, Applicants submit that instant claims 46-75 and 77-96 are not anticipated by Kurtev.

## **II. Conclusion**

In view of the foregoing remarks, Applicants respectfully request that the §102 rejections be withdrawn and that claims 46-75 and 77-96 be allowed.

Respectfully submitted,



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